

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO: 3:19-CV-503-DCK**

**RHONDA BLANTON and HENRY BLANTON,)
on behalf of themselves and their minor)
children, H.B., R.B., and J.B.)**

Plaintiffs,)

v)

**CINEMARK USA, INC., and)
CINEMARK MOVIES 10,)**

Defendants.)

ORDER

THIS MATTER IS BEFORE THE COURT regarding “Plaintiff’s Motion To Appear Telephonically Or Via Video Conference” (Document No. 23) and scheduling concerns. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate.

This matter is currently scheduled for a hearing on June 17, 2020 to consider the “Joint Petition For Approval Of Minor Settlement...” (Document No. 15). In the interests of efficient case management and judicial economy, and especially considering the ongoing COVID pandemic, the undersigned has decided to again postpone a hearing on the “Joint Petition....”

Also before the Court is the recently filed “Plaintiff’s Motion To Appear Telephonically Or Via Video Conference” (Document No. 23) filed on May 29, 2020. By the instant motion, Plaintiffs and Guardian Ad Litem Penny Isenhour request permission to appear at the hearing by telephone or video conference. (Document No. 23). Plaintiffs assert that they and Ms. Isenhour are all especially vulnerable to the COVID-19 virus and/or live with others who are vulnerable.

Id. Plaintiff's counsel *is* available to attend the hearing in person, and Defendant's counsel consents to the requested relief. Id.

Because scheduling issues, courtroom availability, and other concerns require the undersigned to postpone this hearing as currently scheduled, the Court will deny the pending motion without prejudice. Plaintiffs may re-assert their request(s), if necessary, before the next hearing date.

In fact, the Court will direct counsel and Ms. Isenhour to confer before the next hearing date and file a joint motion or status report. Counsel's filing should identify: (1) all persons whose attendance is necessary at a hearing regarding approval of settlement; (2) who is available and planning to appear in person; (3) and who, if anyone, moves for leave to attend via telephone or video conference. In addition, counsel's filing should note the parties' and Ms. Isenhour's joint consent, or explain any areas of disagreement.

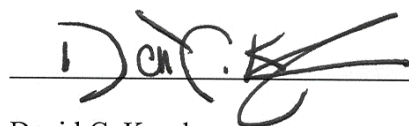
IT IS, THEREFORE, ORDERED that "Plaintiff's Motion To Appear Telephonically Or Via Video Conference" (Document No. 23) is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that counsel for the parties and Guardian Ad Litem Penny Isenhour shall appear before the Court at 401 West Trade Street, Courtroom 1-1, Charlotte, North Carolina at **2:00 p.m. on Friday, July 17, 2020** prepared to address the "Joint Petition For Approval Of Minor Settlement..." (Document No. 15)

IT IS FURTHER ORDERED that the parties shall make a filing regarding attendance at the hearing, as directed herein, on or about **July 2, 2020**.

SO ORDERED.

Signed: June 4, 2020



David C. Keesler
United States Magistrate Judge

